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TCEQ Voluntary Cleanup Program

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Voluntary Cleanup Program

- Liability Release for Future Owners
- Enforcement Protection
- Enhanced Property Marketability
- “Voluntary”

Benefits of VCP

- Liability Release for Future Owners
- Enforcement Protection
- Enhanced Marketability of Property

VCP Eligibility Requirements

- No RCRA Permitted Facilities or Superfund Sites
- Can not have a TCEQ Order
- TCEQ Initiated Enforcement Action Requires Approval
- Can not have Initiated Remediation Prior to VCP Agreement

How VCP Works

- Application with Fee (\$1,000) and Environmental Data
- VCP Agreement with Schedule of Submittals
- Oversight Charges of \$104 per hour
- Certificate of Completion Issued After Cleanup

VCP Admin Details

- VCP Application Reviewed for Completeness and Eligibility
- VCP Agreement Negotiated and Executed
- Project Manager Assigned When First Submittal Received (APAR)

VCP Agreement

- Form Agreement
- Schedule of Submittals dependent upon Applicable Rules and Cleanup Objectives
- 30 TAC Chapter 350 – Texas Risk Reduction Program (TRRP)

Certificate of Completion

- Certificate – Signed and Notarized by State
- Exhibit A – Legal Description (Metes and Bound)
- Exhibit B – Affidavit Signed and Notarized by Applicant

Types of VCP Certificates

- Final Certificates of Completion
- Conditional Certificates of Completion
- Certificates for Partial Response Action Areas

Texas Risk Reduction Program

- Cleanup Standard A is “walk away”
- Cleanup Standard B uses Engineering and Institutional Controls to Prevent Exposure
- Tier 1 - Default Residential & Com/Ind Use
- Tier 2 – Use Site Specific Data in TCEQ Models
- Tier 3 – Propose

TRRP Tier 1 PCLs

- Residential Critical PCL = 1.1 mg/kg
- Com/Ind Critical PCL = 7.7 mg/kg
- GW Critical PCL = 0.0004 mg/L

TRRP §350.76(d)

- Specifically discusses PCB
- Slope factors for Tier 1, 2, and 3 PCL developments
- Allows Tier 2 and Tier 3 PCLs to Use TSCA 40 CFR Parts 750 and 761 When Applicable

TRRP Standard A Reports

- May Self Implement. Submit Self Implementation Notice (SIN) – with VCP Agreement
- Affected Property Assessment Report (APAR)
- Response Action Plan (RAP) - Optional
- Response Action Completion Report (RACR)

TRRP Standard B Reports

- May not Self Implement
- APAR - Submitted and Approved
- RAP – Submitted and Approved
- RACR
- Post Closure Reports – if required

TRRP vs TSCA

- Discrete Sampling vs Composite Sampling
 - Site by Site Determination
- TRRP has no interior building PCLs

VCP Program Requirements

- Sampling Between Source Areas
- Must Sample Groundwater
- <http://www.tceq.state.tx.us/permitting/remed/vcp>

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